

### REMARKS

Upon entry of the amendments above, claims 1-10, 13, 14, 28-32, 34, 35, 37, 39, 40, 42, 43, and 47-53 will be pending. Claims 1, 4, 5, 7, 9, 13, 28-32, 34, 35, 37, 39, 40, 42, 43 and 50-53 are allowed. Claims 11-12, 15, 16, 18-21 (drawn to non-elected subjected matter) and claims 17, 22-27, 33, 36, 38, 41, 44-46, and 51 are canceled. Claim 51 has been canceled because it claims the same subject matter as claim 1. Applicants reserve the right to pursue the canceled subject matter in one or more continuing applications. Claims 2, 3, and 47-49 are amended. The amended claims are supported throughout the specification as filed, e.g., at p. 4, lines 16-19 and lines 26-29; and at p.11, lines 1-2. No new matter has been added.

### Rejections

#### **35 U.S.C. §112, First Paragraph: Enablement and Written Description**

Claim 17 stands rejected for allegedly failing to comply with the enablement and written description requirements of 35 U.S.C. §112, first paragraph. Although Applicants disagree with these rejections, claim 17 has been canceled to expedite prosecution, thereby mooting the rejections.

#### **35 U.S.C. §112, Second Paragraph: Indefiniteness**

Claims 22-27, 33, 36, 38, and 41 stand rejected as allegedly indefinite under 35 U.S.C. §112, second paragraph. Although Applicants disagree with the rejection, the rejected claims have been canceled to expedite prosecution, thereby obviating the present rejection. Applicants respectfully request that the rejection be withdrawn.

Claims 2, 6, 8, 10, and 14 were separately rejected as allegedly indefinite under 35 U.S.C. §112, second paragraph, for the recitation "wherein the fragment...encodes a protein that binds to BMP2/4." The Examiner correctly points out that the recited fragment is a protein. Applicants thank the examiner for pointing out the error. Claim 2 has been amended to recite

“wherein...the fragment binds to BMP2/4.” This amendment obviates the rejection as to claims 2, 6, 8, 10, and 14. In view of the amendment, Applicants respectfully request that the rejection be withdrawn.

### **35 U.S.C. §102(e) Anticipation**

Claims 17, 22, 23, 27, 33, 36, 38, 41, 45, and 46 stand rejected as anticipated by US Pat. No. 6,008,022 (the ‘022 patent). For the record, Applicants note that claim 27 is directed to a nucleic acid “encoding a polypeptide comprising a fragment that is at least 40% of the length of SEQ ID NO:2.” Claim 27 does not recite a fragment that is “at least 40% identical to SEQ ID NO:2” as stated in the office action paper (emphasis added).

Although Applicants do not agree with the rejection, the rejected claims have been canceled to expedite prosecution, thereby mooted the present rejection. Applicants therefore respectfully request that the rejection be withdrawn.

### **Objections**

The Examiner has (i) objected to claims 3 and 47-49 for being dependent on rejected claims and (ii) stated that these claims would be allowable if rewritten in independent form to include all the limitations of their respective base claims and any intervening claims. Applicants have amended rejected claims 3 and 47 in the manner suggested by the Office Action. Claims 48 and 49 now depend from amended claim 47. Thus, as amended, claims 48 and 49 depend from a claim that the Office Action indicates is allowable in its presently amended form. For the reasons presented above, Applicants respectfully request that the objection be withdrawn as to all the objected to claims.

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Respectfully submitted,

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